

Testimony by Nastassia Walsh
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To the Council of the District of Columbia, Judiciary Committee
Wednesday, June 1, 2011 at 12:00 p.m.
John A. Wilson Building, Council Chamber
31350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
On Bill 19-255, Sex Offender Registration Amendment Act

Thank you, Chairman Mendelson, for allowing me to testify today. My name is Nastassia Walsh, and I am a researcher at the Justice Policy Institute, a Washington, D.C.-based organization that produces research around effective criminal and juvenile justice policies. Our report, “Registering Harm,” details the risks involved in putting youth on registries and the ineffectiveness of registries in general at improving public safety. I am testifying today because our research and that of other experts shows that the proposed legislative changes to the District’s Sex Offender Registration Act will NOT significantly improve public safety or reduce sexual victimization. However, these policies will carry a significant price tag for the District now and in the future, and misallocate resources that could be used in ways that do improve public safety. In particular, policies aimed at youth, including expanding their inclusion on the registry, could reduce the chance that youth will be successful either now or later as adults. Below is some information that I believe will be helpful as you consider amending legislation here in the District.

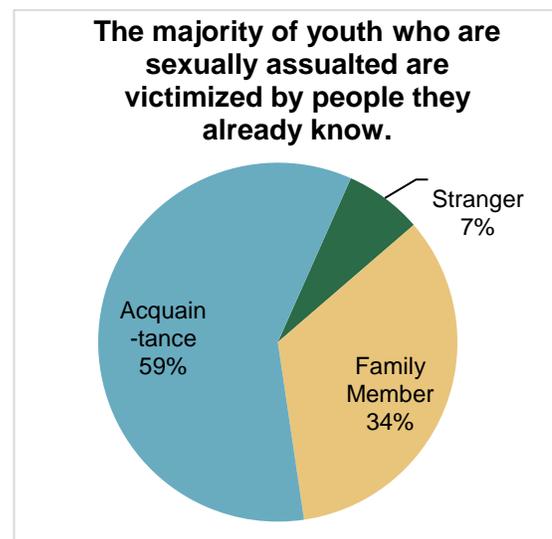
Why won’t these policies improve public safety?

There are a number of reasons policymakers shouldn’t expect to see a real change in crime as a result of these proposed policies and may even see an increase in crime.

1. First, violent crime has been dropping for a number of years. Data from the D.C. MPD shows that sexual assault in particular (forcible rape) is the lowest it’s been in over 15 years.¹ Longer sentences and post-incarceration policies such as expanded registration and lifetime supervision are unlikely to have a significant impact on this current positive trend.
2. Most sexual victimization is by people that are known to the individual – family members and acquaintances (93 percent). Even if policies aimed at “stranger danger” were 100 percent successful in eliminating sexual assaults against youth that would only impact the 7 percent of people who are victimized by strangers. Furthermore, the vast majority of people who are convicted of sex offenses have never previously been convicted of a sex offense so they wouldn’t be on the registry anyway.

¹ http://mpdc.dc.gov/mpdc/cwp/view.a,1239,q,547256,mpdcNav_GID,1556.asp

- Registration and notification laws only impact those who have a previous conviction; recent studies of Megan’s Law have shown it has no deterrent effect towards people who may choose to commit a sex offense. The majority of sex offense convictions are against people with no prior criminal history of sex offending. And most people convicted of a sex offense do not commit another sex offense. One recent study found that people with sex offense convictions had a five-year recidivism rate of 2.8 percent for sexual offenses.²



Source: Howard N. Snyder, *Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident and Offender Characteristics* (Washington, D.C.: Bureau of Justice Statistics, 2000). www.ojp.usdoj.gov/bjs/abstract/saycrlr.htm

Regarding youth and recidivism, a 2007 study funded by the MacArthur Foundation reviewed a longitudinal data set of three cohorts of youth in Wisconsin; it found that

of men who had contact with police for a sex offense as youth, 8.5 percent had contact with police for a sex offense as adults. In other words, *more than nine out of 10 times the arrest of a youth for a sex offense is a one-time event*. The author of the study, Franklin Zimring, a juvenile justice expert at the University of California at Berkeley, found that youth who have committed a sex offense are no different from youth who commit other nonsexual offenses, and would likely benefit from similar interventions. The study goes on to say that putting youth on sex offender registries “would have little effect on the prevention of sex crimes and, thus, do little to protect the public.” Additionally, the threat of lifelong marginalization from schools, jobs, and communities may prevent families and youth from seeking interventions that could help youth who may be engaged in inappropriate sexual behavior.

- Law enforcement resources will be soaked up with trying to track down people who have failed to register within three days of moving or who haven’t updated their pictures in 6 months. And scarce public dollars will be used incarcerating people for long periods of time for these minor violations, meaning there will be fewer resources for education, jobs, housing, and other public goods that have been shown to positively impact public safety.
- By imposing extensive registration requirements on youth, you are setting them up for failure, thereby possibly increasing their risk of future justice involvement. Under the proposed new requirements, for years or even the rest of their lives youth will need to report multiple changes of address, school and work to authorities within a very short time frame. Young people especially are mobile, changing jobs, employment and schools frequently; and through honest mistakes may not remember to update their registration information on time, making them subject to arrest and further penalties. History has shown that this occurs regularly: A report by Parents for Megan’s Law, a non-profit victims’ rights group, found that on average, 24 percent of registrants are out of

² “Sentencing in Washington State: Recidivism Rates,” *Washington State Institute for Public Policy*, Document No. 05-08-1203.

compliance with registration requirements.³ Being charged or convicted for missing registration deadlines may make it harder for people to be successful by interfering with their housing or employment. Barriers to these basic services can inhibit a young person from turning his or her life around, and may actually encourage delinquent behavior. Youth who are detached from normative social institutions may be more likely to engage in illegal behaviors.

Finally, Chairman Mendelson, we wanted to address the larger issue of youth and sex offense policies.

Responses to children who commit sex offenses should recognize the difference between children and adults, including the fact that children are more amenable to rehabilitation. Registries ignore this fact and impose adult criminal sanctions on children; even those not currently available to the public can undermine the rehabilitative process and possibly stigmatize youth for life.

According to the National Center on Sexual Behavior of Youth, the vast majority of youth sex offenses are manifestations of non-sexual feelings. Most youth behavior that is categorized as a sex crime is activity that mental health professionals do not deem as predatory. Being on a registry can hinder a child's ability to access rehabilitative services needed to lead a productive life. Registries can impede access to employment, housing, and education.

Placement on a registry can be extremely detrimental to a young person's development, making it difficult to progress through school and to participate in appropriate adolescent activities. Youth who are labeled "sex offenders" often experience rejection from peer groups and adults, and are therefore more likely to associate with delinquent or troubled peers and less likely to be attached to social institutions such as schools and churches.

For more information on youth and registries, I have included JPI's report, "Registering Harm," as part of my testimony. Thank you.

³ www.parentsformeganslaw.org. Please note that the methodology for this report was unavailable.